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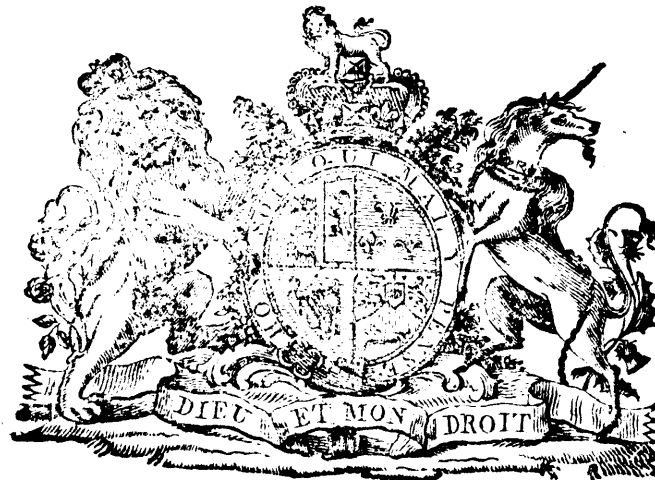
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THE
STATUTES
OF
HIS MAJESTY'S PROVINCE
OF
UPPER-CANADA,
IN
NORTH AMERICA.

PASSED IN THE SECOND SESSION OF THE SIXTH PROVINCIAL PARLIAMENT OF UPPER CANADA, MET AT YORK, ON THE TWENTY-FIFTH DAY OF FEBRUARY, IN THE FIFTY-THIRD YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROLOGUED THE THIRTEENTH DAY OF MARCH FOLLOWING.

ROGER HALE SHEAFFE, ESQUIRE, PRESIDENT.



KINGSTON, U. C.
PRINTED BY STEPHEN MILES.

.....
1813.

THE
S T A T U T E S
 OF
 HIS MAJESTY'S PROVINCE
 OF
U P P E R - C A N A D A .

— 000 —

Passed in the Second Session of the Sixth Provincial Parliament of Upper Canada, met at York, on the Twenty-Fifth Day of February, in the Fifty-Third Year of the Reign of our Sovereign Lord GEORGE the THIRD, and Prorogued on the Thirteenth day of March following.

CHAP. I.

An Act to facilitate the Circulation within this Province of Army Bills, issued by authority of the Province of Lower Canada.

[*Passed the 13th day of March, 1813.*]

WHEREAS it is expedient at this important juncture to facilitate the circulation of Army Bills in this Province, and to give them the same effect and force which they have in the Province of Lower Canada, Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "an Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign," entitled "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province, and by the authority of the same, That each and every the said Army Bills which have been or shall be lawfully issued by the authority of the Province of Lower Canada, and shall from time to time remain undischarged and uncancelled, shall and may be received and taken, and shall pass and be Current to all and every the Collectors and receivers in this Province of Upper Canada of the Customs, or any Revenue or Tax whatsoever already Granted due or payable, or which shall or may hereafter be granted, due or payable to His Majesty, his Heirs and Successors, under and by virtue of any Act of the Parliament of Great Britain, or of the Provincial Parliament or otherwise, and also at the Office of the Receiver General of this Province from the said Collectors and Receivers or from any other person or persons, bodies politic or corporate whatsoever, making any Payments whatever there to His Majesty, his Heirs and Successors, for or upon any account, cause or occasion whatsoever, and that the same in the hands of such Collectors and Receivers, and in the hands of the Receiver General of this Province, shall be deemed and taken as Cash, and as such shall be charged against and credited to such Collectors and Receivers, and to such Receiver General as aforesaid respectively in their respective Accounts with each other, and with his Majesty, his Heirs and Successors.

Preamble.

Army Bills of Lower Canada to be received in payment by Collectors and Receivers of Customs, and at the Office of the Receiver General.

II. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Army Bills as aforesaid which shall be issued, before the same shall be paid off, discharged or cancelled, or any stamp, indorsement or writing thereupon, or therein, or tender in payment any such forged or counterfeit Army Bills, or any such Army Bill with such counterfeit Stamp, Indorsement or writing thereupon or therein, or shall demand to have such counterfeit Army Bills or any such

Penalty for forging the said Bills, or uttering them, or bringing them to be forged.

Army Bill with such counterfeit stamp, indorsement or writing thereupon or therein, exchanged for Bills of Exchange or for Cash or ready money by any person or persons, body or bodies politic or corporate, who shall be obliged or required to exchange the same, or by any other person or persons whatsoever, knowing the Bills so tendered in payment or demanded to be so exchanged, or the stamp or indorsement or writing thereupon or therein to be forged or counterfeited, and with intent to defraud his Majesty, his Heirs and Successors, or the persons appointed or to be appointed to pay off the same, or any of them, or to pay any interest thereon, or the person or persons, Officer or Officers, body or bodies politic or corporate, who shall issue or exchange the same for Bills of Exchange, or any of them, or any other person or persons, body or bodies, politic or corporate whatsoever, Then every such person or persons so offending being thereof lawfully Convicted, shall be adjudged a Felon, and shall suffer as in cases of Felony, without benefit of Clergy.

Assidavits of debt to hold to bail must fit to that no offer has been made to pay in Army Bills.

III. *And be it further enacted by the authority aforesaid,* That for and during the continuance of this act, no person shall be held to special Bail upon any process issuing out of any Court of Judicature in this Province unless the affidavit which shall be made for that purpose, according to the law now in force respecting affidavits to hold to Bail, shall not only contain the several matters required necessary by the Law aforesaid, but also that no offer has been made to pay in Army Bills the sum of money in such affidavit mentioned, and therein sworn to for the purpose of holding such person to special Bail, and if any process shall be issued against any person upon which such person might have been held to special Bail before the passing of this act, and no Affidavit shall be made as aforesaid, That no such offer of payment in Army Bills had been made as aforesaid such person shall not be arrested on such process, but proceeding shall be had against such person in the same manner as if no affidavit had been made for the purpose of holding such person to special Bail. Provided always that if an affidavit shall be made upon which any person or persons might be held to special bail upon any such process as aforesaid, before the passing of this act, and it shall be likewise sworn in such affidavit, that such offer of payment in Army Bills has been made as aforesaid, so that the person or persons who might have been arrested and held to special bail upon such process if this act had not been made, cannot by reason of such offer and of the provisions in this act contained, be so arrested and held to special Bail, it shall be lawful for the Court out of which such process shall issue, or for any Judge of such Court in a summary way, in Term or Vacation, to order the Defendant or Defendants in the action in which such process shall issue, and who might have been so held to special Bail as aforesaid if this act had not been made, to cause Army Bills to the amount of the sum of money for which such person or persons might have been held to special Bail if this act had not been made, to be deposited in the Court out of which such process shall issue, or in such manner as such Court or such Judge shall direct, to answer the demand of the Plaintiff or Plaintiffs in such action, and if such Deposit shall not be made within the time limited by such order after such notice thereof as shall thereby be directed to be given it shall be lawful upon affidavit duly made and filed that such deposit has not been made according to such order, to arrest such defendant or defendants, and to hold him or them to special Bail in such and the same manner as if this act had not been made.

In what cases the Court may order the Army Bills tendered to be deposited, and if they are not deposited, as ordered, the party to be arrested.

Deposit of Army Bills shall suffice for Writs of Capias against the Defendant shall be discharged.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons against whom any Writ of Capias ad Satisfaciendum shall have issued out of any of his Majesty's Courts in this Province shall deposit in the hands of the Sheriff or other Officer to whom such Writ of Capias ad Satisfaciendum shall be addressed, the amount of the sum for which such Capias ad Satisfaciendum shall have issued in Army Bills such

Deposit so made shall operate as a Superfedeas of such Writ of Capias ad Satisfaciendum, and it shall be lawful for the Court out of which such Capias ad Satisfaciendum shall have issued, or for any Judge of such Court in a summary way upon affidavit duly made and filed that such Deposit has been so made as aforesaid, forthwith to discharge such person or persons against whom such Capias ad Satisfaciendum shall have issued out of custody, and to direct and order such Army Bills to remain or be deposited in the Court out of which such Writ of Capias ad Satisfaciendum shall issue, or in such a manner as such Court or such Judge shall direct, to satisfy the Judgement obtained by the Plaintiff or Plaintiffs in the action in which such Capias ad Satisfaciendum shall have issued, and if such Plaintiff or Plaintiffs shall see fit to take up and receive such Army Bills so deposited, then and in such case and from thenceforth the judgement obtained by such Plaintiff or Plaintiffs shall thereby be and for ever shall remain fully and entirely paid, discharged and satisfied to all intents and purposes whatever : But if such Plaintiff or Plaintiffs shall not see fit to take up or receive such Army Bills so deposited, then and in such case such deposit of such Army Bills shall operate to stay all proceedings whatever in such action and upon such judgement until the expiration of this act, and from after the expiration of this act, and not before process of Execution shall be allowed and be issued for the amount of such judgement, but that no interest shall be allowed thereon from the time of the deposit of such Army Bills in such and the same manner as if this act had never been made, and such Army Bills so deposited shall be returned and restored to the person or persons by whom the same shall have been so deposited.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons against whose Goods or Chattels, Lands or Tenements, Debts or Credits, any Writs of Fieri Facias, Venditioni Exponas, or other Writ of Execution shall have issued out of any of his Majesty's Courts in this Province, shall deposit in the hands of the Sheriff or other Officer to whom such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution shall be addressed, the amount of the sums for which such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution shall have issued in Army Bills, such deposit so made shall operate as a Superfedeas of such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution, and it shall be lawful to and for the Court out of which such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution shall have issued, or for any Judge of such Court in a summary way, upon affidavit duly made and filed, that such deposit has been so made as aforesaid, forthwith to order such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution to be stayed, and to direct and order such Army Bills to remain or be deposited in the Court out of which such Writs shall have issued, or in such manner as such Court or such Judge shall direct, to satisfy the judgement so obtained by the Plaintiff or Plaintiffs in the action in which such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution shall have issued, and if such Plaintiff or Plaintiffs shall see fit to take up and receive such Army Bills so deposited, then and in such case and from thenceforth the judgement obtained by such Plaintiff or Plaintiffs shall thereby be and forever shall remain fully and entirely paid, discharged and satisfied to all intents and purposes whatever. But if such Plaintiff or Plaintiffs shall not see fit to take up or receive such Army Bills so deposited, then and in such case such deposit of such Army Bills shall operate to stay all proceedings whatever in such action and upon such judgement until the expiration of this act, and from and after the expiration of this act, and not before process of Execution shall be allowed and be issued for the satisfaction of the amount of such judgement, but that no interest shall be allowed thereon from the time of the deposit of such Army Bills in such and

The Bills in that case to be deposited in Court.

How if Plaintiff accepts them.

How if he refuses to accept them.

Deposit of Army Bills to operate as a Superfedeas of Writs of Fieri Facias and other Writs of Execution.

Court will thereupon order the said Writs to be stayed, and the money to remain deposited in Court.

How if Plaintiff accepts them.

How if Plaintiff refuses to accept them.

the same manner as if this act had never been made, and such Army Bills so deposited shall be returned and restored to the person or persons by whom the same shall have been so deposited.

Swearing falsely in any matter herein contained shall be perjury, & incur all the penalties thereof.

VI. *And be it further enacted by the authority aforesaid,* That any person taking a false Oath in any case wherein an Oath is required to be taken by this act, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted, shall be liable to such pains and penalties as by any Laws now in force any persons convicted of wilful and corrupt perjury are subject and liable to.

Limitation of Actions for any thing done in pursuance of this Act.

Defendants may plead the general issue, & give this Act, & special matter in evidence.

VII. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, such action or suit shall be commenced within three months next after the offence shall have been committed, and not afterwards, and the Defendant or Defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of this act, and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants, and if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their action after the Defendant or Defendants shall have appeared, or if judgement shall be given against the Plaintiff the Defendant or Defendants shall and may recover treble costs, and have the like remedy for the same as Defendants have in other cases by Law.

Continuance of this Act.

VIII. *And be it further enacted by the authority aforesaid,* That this act shall be and continue to be in force for the space of one year, and from thence until the end of the then next ensuing Session of Parliament, unless peace between Great Britain and the United States shall previously thereto be officially declared, in which case it shall immediately after such official declaration, cease and determine.

CHAP. II.

An Act to repeal and amend certain parts of the Militia Law, and also for the Transporting Naval and Military Stores.

[Passed the 13th day of March, 1813.]

Preamble.

WHEREAS it is expedient to repeal some parts of the Militia Laws and to introduce certain amendments in lieu thereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, entitled "an act to repeal certain parts of an act passed in the fourteenth year of his Majesty's Reign," entitled "an act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the Justice or Justices of the Peace before whom any person or persons shall be convicted and fined for any offence against the Militia Laws of this Province or against this act, are hereby authorized and empowered to levy the amount of such fine or fines, and all reasonable costs and charges incurred both before and after the conviction, by distress and sale of the goods and chattels of such offender or offenders, if the said Justice or Justices shall deem such a proceeding expedient and proper. Provided always, that if any such offender or offenders shall be convicted before a Court Martial of such offences, and the sentence of such Court Martial shall be, that the offender or offenders shall pay a certain fine or fines, and the costs and charges so incurred as aforesaid, then and in such case it shall and may be lawful for the Officer under whose authority the said Court Martial is called and approved, and he is hereby au-

Justices of the Peace empowered to levy the amount of fines, imposed by them by distress and sale of the offender's Goods and Chattels.

How, when the convictions have been by Courts Martial.

thorized to transmit such Sentence to one or more Justice or Justices of the Peace of the District where the distress is to be levied, which said Justice or Justices, is and are hereby required, to issue his or their Warrant or Warrants, for the levying the amount of such fine or fines, costs and charges, by distress and sale of the goods and chattels of such offender or offenders in like manner as if such Sentence or Judgment of the said Court Martial against such offender or offenders had been given by the said Justice or Justices by virtue of this act.

II. *And be it further enacted by the authority aforesaid,* That the amount of all fines when collected shall be paid to the Commanding Officer of the Regiment to which the offender or offenders shall respectively belong, and the said Commanding Officer is hereby required to transmit to the Governor, Lieutenant Governor, or Person administering the Government, Quarterly accounts, certified on oath before any one of his Majesty's Justices of the Peace, of all Monies to be received by him in manner aforesaid, and all such Monies shall be disposed of to the use of each Regiment in such manner as the Governor, Lieutenant Governor, or Person administering the Government shall direct.

How fines collected are to be accounted for & disposed of.

III. *And be it further enacted by the authority aforesaid,* That the arms and accoutrements of Militia Men shall not be liable to be taken or sold under or by virtue of any Writ of Execution whatever.

Arms &c. of militia men, not to be sold in execution.

IV. *And be it further enacted by the authority aforesaid,* That in time of Peace every Officer commanding a Company, shall give Six days notice to the Militia Men of such Company of the time and place of their meeting for the purposes of Exercise and Review, unless the said Company be called out by order of the Commanding Officer of the Regiment.

What notice of meeting to be given in time of peace.

V. *And be it further enacted by the authority aforesaid,* That the Fourth, Eighth and Eleventh Clauses of an act entituled "an act to repeal part of the Laws now in force for raising and training the Militia of this Province and to make further provision for the raising and training of the said Militia, and passed in the Fifty second year of His Majesty's Reign, so far as the said clauses relate to the forming, training or exercising flank or other companies in any Regiment, are hereby repealed; Provided always that nothing in this Act shall extend or be construed to extend to discharge any Officer, Non-Commissioned Officer or private man now on duty, but such Officer, Non-Commissioned officer or Private man shall continue to serve till regularly relieved or discharged according to Law.

4th, 8th & 11th clauses of 52d Geo. 3, Ch. 1, repealed.

Exception.

VI. *And be it further enacted by the authority aforesaid,* That in the several Counties and Ridings where the number of men is sufficient, the Militia shall be formed into Regiments, Consisting of not more than ten nor less than eight companies, which companies shall consist of not less than twenty nor more than fifty Private men, and the Field Officers of every Regiment of ten companies, shall be as follows, one Colonel, one Lieutenant Colonel and one Major, and no more, and the Field Officers of every Regiment of less than ten Companies, shall be, as follows, one Lieutenant Colonel and one Major and no more, and to each Company there shall be one Captain, one Lieutenant and one Ensign.

Formation of Militia into Regiments, and the number of officers to be appointed.

VII. *And be it further enacted by the authority aforesaid,* that if any person or persons shall presume to disturb, interrupt or molest any Body or party of Militia whilst on Parade, Exercise or review, it shall and may be lawful to and for the commanding officer of such body or party to order any such person or persons to be carried before any one of His Majesty's Justices of the Peace, who, upon proof of the offence, by the oath of one or more credible witness or witnesses, shall and may order and adjudge every such offender to pay a fine not exceeding Five Pounds nor less than Ten Shillings, and in default of payment, to commit him or them to the common Gaol of

Punishment for interruptions or disturbing Militia when on parade.

the District, or other safe place of confinement, for a term not exceeding One Month; nor less than Ten Days, unless the fine is sooner by him paid.

Staff officers and non-commissioned officers to be appointed.

VIII. *And be it further enacted by the authority aforesaid,* That to every Regiment there shall be in addition to the Officers already mentioned, one Adjutant and one Quarter Master, and the Commanding Officer of every Regiment shall appoint one Sergeant Major and one Quarter Master Sergeant, and shall as occasion may require, fix the number of the other non-commissioned officers and of the Drummers for each Company in his Regiment, and the Officers commanding Companies shall respectively nominate the non-commissioned Officers of his Company to the Commanding Officer of the Regiment, who is hereby authorized to approve or disapprove of such nomination.

Every regiment must be called out at least twice a year, and may be ordered to meet in different places.

IX. *And be it further enacted by the authority aforesaid,* That the Commanding Officer of every Regiment shall call out his Regiment at least twice a year for the purposes of exercise and review, and he shall be at liberty whenever he may think proper for the convenience of the Militia, to order a part of the Regiment to meet at one place, and the remainder at another place.

How Incorporated Militia to be raised, and what rules and regulations they are to be governed by.

X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government, to raise and embody one or more Regiment or Regiments, to be stiled the Incorporated Militia, and to serve during the present War with the United States of America, for which purpose it shall be lawful for the said Governor, Lieutenant Governor, or person administering the Government, to accept of the voluntary services of Militia Men within the Province, and to nominate and appoint as many Officers as he may think proper to serve in such Incorporated Militia, and it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government, to make such rules and regulations for the Government of the said Regiment or Regiments so to be raised, as to him shall seem proper and adapted to the nature of the service: Provided always, that no Officer of His Majesty's Regular Forces shall sit on any Court Martial for the trial of any Officers, Non-Commissioned Officer or Militia Man, serving in the said Incorporated Militia, and that no Private Man serving under this or any other Militia Law, shall be subjected to the Punishment of Whipping by the sentence of any Court Martial, and provided further, that no Militia Officer who shall be appointed to serve in the said Incorporated Militia, shall be liable thereby to lose his standing in the Regiment to which he now belongs.

Privileges of such as volunteer into the Incorporated Militia.

XI. *And be it further enacted by the authority aforesaid,* That during the said War, no Non-Commissioned Officer or Militia Man who may volunteer his services in the said Incorporated Militia, shall during such service, be liable to be sued or arrested for any debt under Fifty Pounds, and that all Writs issued for such purpose shall have no operation and effect, and the Goods and Chattels, Lands and Tenements of any such Non-Commissioned Officer or Militia man, during the time of his service, shall not be seized or sold under or by virtue of any Writ of Execution whatever; Provided however, that the Statutes of limitation shall not run against any debt due by such volunteer during the continuance of such privilege from arrest.

XII. *And be it further enacted by the authority aforesaid,* That every Non-Commissioned Officer or private man whose services shall be accepted in the said Incorporated Militia, shall not be liable to pay any Taxes, Rates, or Assessments whatever, or to perform Statute Labor on the High Ways, or duty as a Town or Parish Officer, while he shall continue in the said Incorporated Militia, and the said Incorporated Militia or any part of them, shall not be marched out of the Province in any other case or for any other purpose than is now permitted by the Militia Laws.

ROGER HALE SHEAFFE, ESQUIRE, PRESIDENT.

XIII. *And be it further enacted by the authority aforesaid,* That if any Officer, non-commissioned officer or Militia man shall offend against the twenty fifth Section of an Act entitled, "An Act to repeal part of the Laws now in force for raising and training the Militia of this Province and to make further provision for the raising and training of the said Militia," and passed in the fifty second year of His Majesty's Reign, or against this Act, unless herein otherwise specially provided for, he may be tried by a Court Martial, and if any person or persons shall assist or encourage any non-commissioned officer or militia man to desert from any company, troop or regiment, or shall knowingly receive or entertain such non-commissioned officer or militia man or shall not after his being discovered to be a deserter, give immediate information to the nearest Justice of the Peace or Militia Officer, such person or persons so offending, on conviction before two or more Justices of the Peace, shall forfeit and pay a sum not exceeding Twenty Pounds nor less than Five Pounds, and in default of payment, to be committed to some safe place of confinement for any time not less than one nor more than six Months, unless the fine and expences be sooner paid.

Officers, non-commissioned officers, &c. offending against the 25. s. 52. Geo. 3. chap. 1. may be tried by Court Martial.

Penalty for assisting, encouraging, concealing or harboring deserters from the Militia.

XIV. *And be it further enacted by the authority aforesaid,* that it shall be the duty of every Justice of Peace, Sheriff, Militia Officer, Coroner, Constable and Parish Officer whatever, and they are hereby enjoined, to apprehend and secure Deserters from the Militia and to cause such Deserters to be conveyed to the nearest post occupied by his Majesty's regular or militia Forces.

Justices of Peace, Sheriffs, &c. enjoined to apprehend deserters.

XV. *And be it further enacted by the authority aforesaid,* that every Officer, non-commissioned Officer or militia man, not in actual service, who shall neglect or refuse, to repair to the place of exercise or review when thereto required by his superior Officer, unless prevented by sickness or having leave of absence, shall forfeit and pay, if an Officer, a sum not exceeding Ten Pounds, and if a non-commissioned officer or militia man, shall forfeit and pay a sum not exceeding Two Pounds for every such offence, and in default of payment to be committed to some safe place of confinement for any time not less than ten days, nor more than one month, unless the fine and expences be sooner paid.

Penalty for not repairing to place of exercise or review when required not being in actual service.

XVI. *And be it further enacted by the authority aforesaid,* that whenever a Deserter from the militia shall be apprehended, the Court before which he may be tried for his Desertion, shall have full power and authority to order all expences attending the apprehension and conveyance of such deserter or deserters to his or their company, troop or regiment to be levied and collected in like manner as fines may be levied and collected under this or any other Militia Act.

Court empowered to try deserters may order the expences attending their apprehension &c. to be collected in like manner as fines.

XVII. *And be it further enacted by the authority aforesaid,* that when any non-commissioned officer or militia man shall claim any exemption from Militia duty, it shall and may be lawful for the Commanding Officer of the Regiment to which he belongs to call a Court of Enquiry to examine into the grounds of such claim, the Members of which Court and the Witnesses produced before them, shall be sworn in like manner as is now done in Courts Martial other than General Courts Martial and to proceed thereupon, agreeably to the report of the said Court of Enquiry.

Court of Enquiry to decide upon claims to exception from militia duty.

XVIII. *And be it further enacted by the authority aforesaid,* that when any non-commissioned officer or militia man shall be committed to Prison pursuant to the judgement of any Justice or Justices of the Peace or sentence of any Regimental or Garrison Court Martial, it shall be lawful for the Commanding Officer of the regiment, detachment or post not being under the rank of a field officer of Militia, to remit the whole or any part of such offender or offender's punishment, and to release him or them from such imprisonment or any part thereof.

Who impowered to remit the punishment of offenders and relieve them from imprisonment.

Justices of the Peace may order expences of apprehending Deserters who have not sufficient property to pay the same, to be paid.

In what manner.

Who authorized to impress Carriages, or teams, and for what purpose.

Rate of allowances for the same.

Provisions for balloting Detachments

No writ of certiorari of any orders, or proceedings under this Act to be allowed unless the fine &c. exceed £20.

What, if Actions brought for any thing above in pursuance of this Act.

XIX. *And be it further enacted by the authority aforesaid, that if any non-commis- sioned officer or militia man be hereafter apprehended and conveyed to any Post or Garrison conformably to the Fourteenth Section of this Act and shall not have sufficient personal property to pay the incidental expences, the person or persons who shall take and convey such Defeater or Deserters may produce an account of such expences to the Justices of the Peace in General Quarter Sessions assembled for the District in which such deserter or deserters are found, and the said Justices or the major part of them, are hereby authorized to allow so much of such account as to them shall appear to be just and proper, and to give to the person or persons producing the same, an order on the Collector of Customs or Inspector of the District for the amount so allowed, and the said Collector or Inspector is hereby directed to pay the same out of any monies in his hands.*

XX. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Officer Commanding any Regiment, Post or Detachment, having first obtained a Warrant from a Justice of the Peace, to issue his order to impress carriages or Teams for the purpose of transporting any of His Majesty's Naval or Military Stores on their passage through this Province, and the owner or owners of such carriages or teams shall be paid at the rate of Twelve Shillings and Six Pence a day for each carriage and pair of horses or oxen furnished, and the further Sum of Two Shillings and Six Pence if a Driver be sent with such team.*

XXI. *And be it further enacted by the authority aforesaid, That all militia men from the age of Sixteen years to Fifty, shall be liable to be selected by ballot for the relief of any company, body or detachment of Militia on Duty, and when any militia man shall regularly serve in any detachment, the time prescribed by Law, he shall not be balloted to serve in any other detachment till all the men of the regiment to which he belongs, liable to be called out in detachments and capable of being obtained, shall have first been called out, unless there shall not be a sufficient number of persons in such regiment who have not so served to form the detachment required, and also unless the whole regiment be called out on Duty.*

XXII. *And be it further enacted by the authority aforesaid, That no order or conviction made by any Justice or Justices of the Peace or Court Martial by virtue of this Act, shall be removed by Certiorari out of the County, Riding, Division, or place wherein such order or conviction shall have been made, into any Court whatsoever, and that no Writ of Certiorari shall supercede execution or other proceedings upon any such order or conviction so made in pursuance of this Act, but that execution and other proceedings shall be had and made thereupon any such Writ or Writs or allowance thereof notwithstanding. Provided always that the Fines, Forfeitures or Penalties to be levied by such order or conviction shall not exceed the sum of Twenty Pounds.*

XXIII. *And be it further enacted by the authority aforesaid, That if any action shall be brought against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within three Months next after the fact committed and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere, and the Defendant or Defendants in every such Action or Suit may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon: and if the Jury shall find for the Defendant or Defendants in any such Action or Suit, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have treble Costs, and have the like remedy for the same, as any Defendant hath in other cases to recover Costs by Law.*

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XXIV. *And be it further enacted by the authority aforesaid,* That this Act shall be in force for and during the term of one year, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer, except that part of the same which relates to the Incorporated Militia, which part shall be in force for and during the present War with the United States of America, and no longer.

CHAP. III.

An Act to authorise the Governor, Lieutenant Governor or Person administering the Government of this Province to prohibit the Exportation of Grain and other Provisions, and also to restrain the Distillation of Spirituous Liquors from Grain.

[Passed the 13th day of March, 1813.]

WHEREAS doubts have arisen as to the sufficiency of the late crops to supply the probable wants of the Province, and Whereas it may be expedient and necessary to restrain and prohibit the exportation of Grain and Provisions therefrom as also the consumption of Grain by Distillation: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, entitled "an act to repeal certain parts of an act passed in the fourteenth year of his Majesty's Reign," entitled "an act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government, by and with the advice and consent of his Majesty's Executive Council of this Province, from time to time, and when and so often as the same shall be judged expedient, to prohibit, by Proclamation generally for a limited time, the exportation of Wheat and other Corn or Grain, Meal, Flour, Beef and Pork from this Province, and to prohibit in like manner after the first day of May next, the Distillation of Spirits, Strong Waters and Low Wines from any Wheat, Corn or other Grain, Meal or Flour within the same.

Preamble.
Gov'r. &c. empowered to prohibit from time to time by Proclamation the Exportation of Wheat, Flour, Beef, Pork, &c. and also the Distillation of Spirits from wheat, &c.

II. *And be it further enacted by the authority aforesaid,* That if any person or persons shall export or attempt or endeavor to export from this Province, contrary to such prohibition of the Governor, Lieutenant Governor or Person Administering the Government, any Wheat or other Corn or Grain, Meal, Flour, Beef or Pork, or if any person or persons shall Distill or attempt or endeavour to Distill any Spirits, Strong Waters or Low Wines from any Wheat, Corn or other Grain, Meal or Flour, he, she or they shall respectively forfeit, not only such Wheat, Corn or other Grain, Meal or Flour, Beef and Pork exported or attempted or endeavoured to be exported and also double the value thereof, but also and every such Still or Stills or other Vessel or Vessels that shall or may be used for the Distillation of any such Spirits, Strong Waters or Low Wines, as aforesaid, shall be forfeited, and the owners thereof shall forfeit and pay treble the value of the same.

Penalty for disobedience of such prohibition

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all Collectors or Customs, Inspectors and Sheriffs, and their Deputies, and all and every other person or persons authorized by them, or any of them to seize and secure in some safe place for trial, all such Wheat or other Corn or Grain, Flour, Meal, Beef and Pork so attempted to be exported, contrary to the Provisions of this

Collectors, Inspectors, Sheriffs, &c. required to seize and secure articles attempted to be

exported contrary to the Provisions of this Act. Act, and that in case of seizure under this Act, such seizure shall and may, in a summary way, be proceeded upon and examined into, heard, adjudged and determined by the Justices of the Peace in General Quarter Sessions assembled; and the said Justices in Quarter Sessions assembled, are hereby authorized and required to examine and enquire into the cause of such seizure, and thereupon to give judgement for the condemnation of the said Wheat, Corn or other Grain, Flour, Meal, Beef and Pork; as upon due consideration may be found to be forfeited by virtue of this Act, and to order the same to be sold at such times and places as they may deem proper, and one half of the proceeds of such sales, after deducting the expences of prosecution and sale, shall belong to the Collector, Inspector or Sheriff of the District under whose authority the same shall have been seized, and the other half shall be paid to His Majesty's Receiver General to and for the uses of this Province, and all the Forfeitures and Penalties under this Act shall in like manner be determined and adjudged by the said Justices in a summary way, and they shall and may issue their Warrant to the Sheriff of the District to collect the amount of the same, the one half of which shall be paid to the Receiver General to and for the uses of this Province, and the other half to the informer, and all proceedings and Judgments of the said Justices, are hereby declared to be good, valid and effectual in Law, and shall not be liable to any appeal or to be removed by any Writs or Writs of Certiorari.

How such seizure to be proceeded upon and determined. How articles forfeited to be disposed of, and the forfeitures and penalties under this Act collected and applied.

No Writ of certiorari to be allowed. If Distillation is prohibited, Inspector may return one third of the last licence money.

IV. *And be it further enacted by the authority aforesaid;* That in case of any prohibition for the Distillation of Wheat, Corn or other Grain, Flour or Meal by virtue of any Proclamation from the Governor, Lieutenant Governor or Person Administering the Government, it shall and may be lawful for the Inspector in each and every District of this Province, and he is hereby required on application being made to him by any person or persons who may have obtained a Licence to Still for the present year to return to such Applicant as aforesaid, one third part of such Licence Money.

V. *And be it further enacted by the authority aforesaid;* That if any Action or Suit shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, such Action or Suit shall be commenced within one Month next after the matter or thing done, and not afterwards, and the Defendant or Defendants in such Action or Suit may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and if afterwards judgment shall be given for the Defendant or Defendants or the Plaintiff or Plaintiffs shall become nonsuited or discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared, then such Defendant or Defendants shall have treble Costs awarded to him, her or them against such Plaintiff or Plaintiffs and have the like remedy for the same as any Defendant or Defendants hath or have in other cases to recover Costs at Law.

VI. *And be it further enacted by the authority aforesaid;* That this Act shall be and continue in force from the passing thereof to the end of the next Session of Parliament and no longer.

What if action brought for any thing done in pursuance of this Act. Continuance of this Act.

What if action brought for any thing done in pursuance of this Act.

Continuance of this Act.

Continuance of this Act.

Continuance of this Act.

Continuance of this Act.

Continuance of this Act.

Continuance of this Act.

Continuance of this Act.

Continuance of this Act.

Continuance of this Act.

Continuance of this Act.

C H A P. IV.

An Act to provide for the maintainance of Persons disabled and the Widows and Children of such Persons as may be killed in His Majesty's Service.

[Passed the 13th day of March, 1813.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it is deemed expedient to provide means for the support of such Officers, non-commissioned Officers and Private Militia-men as may be dis-

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abled in His Majesty's Service; and also to provide for the support of the Widows and Children of such Officers, non-commissioned Officers and Private Militia-Men as may be killed on such service: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province, and by the authority of the same, That if any Officer, non-commissioned Officer or Private Militia-man shall in any engagement with an enemy or by any accident or casualty which may occur while performing any duty on actual service, be killed and leave a Widow, Child or Children lawfully begotten, his widow shall be entitled to receive, during her widowhood, and in case of the death or marriage of such widow, then the eldest child or Guardian, for the use of such child or children of such officer, non-commissioned Officer or Private Militia-man, until the youngest thereof shall have attained the age of sixteen years, an Annuity of Twenty Pounds, lawful money of this Province.

Pension to be paid to the Widows and Children of officers, non-commissioned officers & militia men killed in actual service.

II. And be it further enacted by the authority aforesaid, That when any Officer, non-commissioned Officer or Private Militia-man shall, in any engagement with an enemy or by any accident or casualty which may occur while on or performing any duty in actual service, be wounded or disabled so as to be rendered incapable of earning his livelihood, and shall at the time of his being so wounded or disabled, have a wife or child or children, lawfully begotten, such wounded or disabled Officer, non-commissioned Officer or Private Militia-man shall receive, during such incapacity, an Annuity of Twenty Pounds. Provided always, and be it enacted by the authority aforesaid, that if the said wounded or disabled Officer, non-commissioned Officer, or Private Militia-man shall die before he shall fully recover from the incapacity occasioned by his being so wounded or disabled, in that case the widow, child or children of such person shall be entitled to receive the said Annuity, in like manner and under the like limitations and restrictions as the widows and children of persons killed in the service, are hereby allowed to receive the same.

Pension to officers, non-commissioned officers or militia men disabled on service, and having wife or child; and in case of death before recovering from such incapacity to his widow or children.

III. And be it enacted by the authority aforesaid, That if any Officer, non-commissioned Officer or private Militia-man shall be wounded or disabled, in manner herein before mentioned, and shall not at the time of his being so wounded or disabled, have a wife or child or children as aforesaid, such wounded or disabled Officer, non-commissioned Officer or private Militia-man shall be entitled to receive an Annuity of Twelve Pounds, Ten Shillings, like lawful money of this Province, during the time of his labouring under such incapacity.

Pension to be paid to officers &c disabled not having a wife or child.

IV. And be it enacted by the authority aforesaid, That the thirty eighth Clause of an Act passed in the fifty-second year of His Majesty's Reign, intituled, "An Act to repeal part of the Laws now in force for raising and training the Militia of this Province, and to make further provision for the raising and training the said Militia," shall be repealed, and the same is hereby repealed accordingly. Provided always, that nothing herein contained, shall prevent or be construed to prevent the persons who have been wounded or disabled before the passing of this Act, or the widow or

38 Sec of 53 Geo. 3^d Ch. 1, repealed.

Nothing herein to prevent pay-

ment of persons heretofore allowed.

child or children of such person or persons as have been killed on actual service from receiving the Annuity heretofore, by law allowed to them.

How annuities to be paid.

V. And be it enacted by the authority aforesaid, That the said several Annuities herein granted shall be paid by the Receiver General of this Province, out of any monies that now are or which may hereafter come into his hands, subject to the disposition of the Parliament of this Province, and in discharge of such Warrant or Warrants as may be issued by the Governor, Lieutenant Governor or Person Administering the Government of this Province, and it shall and may be lawful for the Governor, Lieutenant Governor or Person Administering the Government, to order and

May be paid in advance, &c.

direct that the said Annuities herein granted and allowed shall be paid either in advance or by quarterly or half yearly payments, as to him shall seem proper. And the said several sums of money when so paid shall be accounted for to His Majesty, His Heirs or Successors through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty, His Heirs and Successors may please to direct.

C H A P. V.

An ACT to prohibit the Sale of Spirituous Liquors to Indians within this Province.

[Passed the 13th March, 1813.]

Preamble.

WHEREAS in the present situation of this Province, it is necessary to prohibit the sale of Spirituous Liquors to Indians, and whereas the Laws now in force relative thereto have been found insufficient: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province, and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons whatsoever to sell, barter or give, or aid and assist in procuring or distributing any Rum, Brandy, Whisky, or other Spirituous Liquors or Strong Waters or low wines, to any Indian or Indians within this Province.

Sale of Spirituous Liquors to the Indians prohibited.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall be convicted of selling, bartering, or giving or of aiding or assisting, or procuring or distributing any Rum, Brandy, Whisky, or other Spirituous Liquors, Strong Waters or low wines to such Indian or Indians, contrary to the provisions of this act, he or they shall be convicted in the same manner and be subject to the same pains, penalties and fines as persons selling Spirituous Liquors without Licence are now convicted and fined according to law.

Penalty for disobedience.

III. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for one year, and from thence to the end of the then next ensuing Session of Parliament.

Continuance of this act.

C H A P. VI.

An Act to continue an Act passed in the fifty second year of His Majesty's Reign, intituled, "An Act to provide means for the Defence of this Province and to make further provision for the same."

[Passed the 13th March, 1813.]

Preamble.

WHEREAS it is necessary and expedient to provide further means for the defence of this Province, Be it therefore enacted by the King's Most Excellent Majesty

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by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an act passed in the fourteenth year of his Majesty's Reign," intituled, "an act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, that an act of the Provincial Parliament of Upper Canada, intituled, "An Act to provide for the Defence of this Province," and passed in the fifty second year of His Majesty's reign, is hereby continued.

52d Geo. 3d ch.
3, 2d Session
continued.

II. *And be it further enacted by the authority aforesaid,* that it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government, to order and direct a bounty of Eight Dollars to be paid to each and every Militia-man who may volunteer his services for and during the present War with the United States of America, in any Regiment of Incorporated Militia.

Bounty of 8
Dollars to be
paid to volun-
teers in the In-
corporated mi-
litia.

III. *And be it further enacted by the authority aforesaid,* That this act shall continue in force until the end of the next session of the Legislature of this Province and no longer.

Continuance
of this act

CHAPTER VII.

An Act to repeal an act passed in the forty-fourth year of His Majesty's Reign, intituled, "An Act for granting to His Majesty a certain sum of Money for the further encouragement of the growth and cultivation of Hemp within this Province, and the exportation thereof," as also an Act passed in the fifty-second year of His Majesty's Reign, intituled, "An Act for granting to His Majesty a certain Sum of Money further to encourage the growth and cultivation of Hemp in this Province, and for other purposes."

[Passed the 13th March, 1813.]

WHEREAS the several Acts now in force in this Province granting to His Majesty a certain Sum of Money for the encouragement of the growth and cultivation of Hemp are not found beneficial in proportion to the expence incurred by them: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province: and by the authority of the same, That an Act passed in the forty fourth year of His Majesty's Reign, intituled, "An Act for granting to His Majesty a certain Sum of Money for the further encouragement of the growth and cultivation of Hemp within this Province, and the exportation thereof," and also an Act passed in the fifty second year of His Majesty's Reign, intituled, "an act for granting to His Majesty a certain sum of money further to encourage the growth and cultivation of Hemp in this Province, and for other purposes," shall after the first day of September next ensuing the passing of this act, be repealed.

Preamble

44 Geo. 3. ch.
11, and 52 Geo.
3. ch. 8, 1st ses-
sion repealed.

C H A P. VIII.

An act to continue for a limited time the Provisional agreement entered into with Lower Canada at Montreal on the fifth day of July One Thousand Eight Hundred and Four, relative to Duties, also for continuing for a limited time the several acts of the Parliament of this Province now in force relating thereto.

[Passed the 13th March, 1813.]

Preamble.

51st Geo. 3d
ch. 5 continued.

WHEREAS an act passed in the fifty first year of His Majesty's Reign, intituled, "an act to amend and continue, for a limited time an act passed in the forty ninth year of His Majesty's Reign, intituled, "an act for continuing for a limited time the Provisional agreement entered into between this Province and Lower-Canada, at Montreal on the fifth day of July, in the year of our Lord one thousand eight hundred and four, relative to Duties, also for continuing for a limited time the several acts of the Parliament of this Province now in force relating thereto," will soon expire: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain intituled, "an act to repeal certain parts of an act passed in the fourteenth year of His Majesty's Reign, intituled, "an act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the said act, and every part thereof, and every clause, matter and thing therein contained, shall be and continue in force for one year beyond the time therein limited, and from thence to the end of the next Session of the Provincial Parliament.

C H A P. IX.

An act to alter and amend an act passed in the Forty Eighth year of His Majesty's Reign intituled, "an act for the better regulation of Parish and Town Officers throughout this Province."

[Passed the 13th March 1813.]

Preamble.

Collectors to
pay monies in
the name of the
Treasurer of the
District, all such
monies received.

WHEREAS so much of an act passed in the forty eighth year of His Majesty's Reign intituled "an act for the better regulation of Parish and Town officers throughout this Province," as relates to the Collectors and Town Clerks is found insufficient: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, intituled, "an act to repeal certain parts of an act passed in the fourteenth year of His Majesty's Reign, intituled, "an act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the Collector of each and every Parish, Township, reputed Township or place, shall and he is hereby required, once in every three months, and oftener if thereto required by the Magistrates in General Quarter Sessions assembled to pay or cause to be paid to the Treasurer of the District, all such monies as he shall have received under and by virtue of any act of this Province, and it shall and may be lawful for the said Treasurer to

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give a receipt for the monies so collected and paid over to him, which receipt shall be a good and sufficient discharge to the said Collector for the monies so collected and paid by him to the said Treasurer. Treasurer to give a receipt for the same.

II. *And be it further enacted by the authority aforesaid,* That the condition of the Bond to be entered into by the Collector of each and every Township within this Province, agreeable to the second Clause of an Act passed in the forty eighth year of His Majesty's Reign, entituled, "An Act for the better regulation of Parish and Town Officers throughout this Province," shall be in the following form: The condition of this obligation is such that if the above bounden A. B. shall collect and levy all the rates and assessments of the Township or Townships of Form of bond to be entered in- to by collectors. for the present year ending on the first Monday of March next, so far as the law may enable him so to do, and shall pay all the monies which he shall so collect and levy to the Treasurer of the said District once in every three months, or oftener, if thereto required by the Magistrates in General Quarter Sessions assembled, and if the said A. B. do well and truly collect and pay, by the different payments to be made as aforesaid, the whole amount of all monies received by him on or before the first day of March next ensuing his appointment as Collector, then this obligation to be void, or else in full force.

III. *And be it further enacted by the authority aforesaid,* That if any Town Clerk shall neglect or refuse to provide such Bond and transmit the same, if executed, to the Treasurer of the District, as by law is directed, he shall for every such neglect or refusal, upon conviction thereof before two or more of His Majesty's Justices of the Peace for the District, on the oath of one or more credible Witness, or Witnesses, pay a sum not less than Five Pounds, nor more than Twenty Five Pounds, to be levied by distress and sale of the offenders goods and chattels, under and by virtue of a Warrant issued by such Justices, and when such Fines shall be recovered and received, a moiety thereof shall be paid to the informer or informers, and the other moiety paid into the hands of the Receiver General to and for the uses of His Majesty, His Heirs and Successors, for the Public use of this Province, and towards the support of the Government thereof, to be accounted for to his Majesty through the Commissioners of His Treasury for the time being, in such manner and form as it shall please His Majesty to direct. Penalty for Town Clerk neglecting to provide and transmit the said bond.

How to be recovered, and applied.

IV. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to the County of Precott in the Eastern District of this Province. County of Precott excepted from this Act.

C H A P. X.

An Act to amend an Act passed in the Forty Ninth year of His Majesty's Reign, entituled,

"An Act for quartering and Billetting on certain occasions His Majesty's Troops and the

"Militia of this Province, and to repeal a part of the same."

[Passed the 13th March, 1813.]

WHEREAS by the first clause of an Act passed in the forty Ninth year of His Majesty's Reign entituled "an Act for quartering and Billetting on certain occasions His Majesty's troops and the Militia of this Province, among other things it is therein enacted that any one of His Majesty's Justices of the Peace may issue his warrant to impress such Horses, Carriages and Oxen as the service may require, for the use of which the owner or owners thereof shall be entitled to receive the sum of Seven Shil-

Preamble:

49 Geo. 3. ch. 2 in part repealed.

lings and six pence per day for every Cart or Carriage with two Horses or Oxen during such time as they shall be employed in such service, and when and so often as the owner of such team shall send a driver, he shall be allowed a further sum of two shillings and six pence per day," and whereas so much of the above recited Act as relates to the payment of the owners of horses, Carriages and Oxen, is found inapplicable to the purposes thereby intended, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the same be and is hereby repealed.

Owners of impressed Carriages shall receive 12/6 per day for each carriage, and a further sum of 2/6 per day for a driver.

II. And be it further enacted by the authority aforesaid, That the owner or owners of such carriages, Horses or Oxen as shall be impressed for the use of his Majesty's service shall be entitled to receive the sum of twelve shillings and six pence per day for every Cart or Carriage with two Horses or Oxen, during such time as he or they shall be employed in going and returning or shall be detained in such service, and when and so often as the owner of such team shall send a driver he shall be allowed a further sum of Two Shillings and six pence per day.

CHAPTER XI.

An Act for granting a certain sum of money to make good certain sums of money issued and advanced by His Majesty through His Honor the President in pursuance of an address of the House of Assembly.

[Passed the 13th March, 1813.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS in pursuance of an Address of your Commons House of Assembly during its last Session, to His Honor Isaac Brock, Esquire, late President administering the Government of your Province of Upper Canada, the sum of Eighty Eight Pounds, One Shilling and Nine Pence, have been issued and advanced by your Majesty, through your President to the Clerks and other officers of the two Houses of Parliament to enable them to pay the contingent expences of the last Session of the Provincial Legislature: May it therefore please your Majesty that it may be enacted, and Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain entitled, "an Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign entitled "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province, and by the authority of the same, That out of the fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated there shall be issued and applied the Sum of Eighty Eight Pounds, One Shilling and Nine Pence, to make good the said Sum which has been issued and advanced in pursuance of the aforesaid address.

£88 19, to be issued to make good so much advanced in pursuance of an Address.

How the said sum to be accounted for.

II. And be it further enacted by the authority aforesaid, That the due application of the said Sum of money pursuant to the directions of this Act shall be accounted for to His Majesty, His Heirs and Successors, through the Lord's Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors may be pleased to direct.